

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-13 and 19-21 are pending in the present application. Claims 14-18 have been canceled. Claims 1, 5-13, and 19-20 have been amended. Claim 21 is new. Claims 1 and 19 are independent claims.

The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following remarks.

#### ***Election/Restrictions***

The Examiner has required a restriction to one of the following inventions:

Group I: Claims 1-13, 19, and 20, classified in class 345, subclass 581; and

Group II: Claims 14-18, classified in class 345, subclass 672.

Due to the provisional election of Group I, made by Applicants' representative during the telephone conversation of February 26, 2007, claims 14-18 have been withdrawn from consideration. Accordingly, Applicants have canceled claims 14-18. Applicants reserve the right to file the subject matter of claims 14-18 in a divisional application.

#### ***Specification***

The Examiner objects to the specification for minor informalities. Particularly, the Examiner objects to page 5, lines 21-26, because it describes elements in Figure 3, even though it refers to "Figure 2." Thus, Applicants have amended this portion of the specification to refer to replace "Figure 2" with --Figure 3-- Accordingly, the Examiner is respectfully requested to withdraw this objection.

*Rejection Under 35 U.S.C. § 103*

**Luo/Bates Rejection**

Claims 1-4, 8-13, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/01989386 to Luo (hereafter “Luo”) in view of U.S. Patent No. 6,976,214 to Bates et al. (hereafter “Bates”). This rejection is respectfully traversed.

In the rejection, it is clear that the Examiner relies on Luo as the primary reference. The Examiner acknowledges that Luo does teach displaying an aura in association with a shape on the design surface (see Office Action at page 5). The Examiner relies on Bates to remedy this deficiency. The Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Luo to incorporate Bates’ teachings of “displaying a term (word) inside a text box in bold and/or highlighting the term in the text box” because, as a result of this modification, “the user is provided with the additional functionality [of] editing text and, thus, improving composition and form of text” (Office Action at pages 5-6).

Applicants respectfully submit that the Examiner’s proposed modification of Luo in view of Bates is improper under § 103.

**Luo and Bates Not Analogous Prior Art:**

Initially, Applicants refer the Examiner to MPEP § 2141.01(a), which states the following:

“The Examiner must determine what is ‘analogous prior art’ for the purpose of analyzing the obviousness of the subject matter at issue. In order to rely on a reference as a basis for rejection of an Applicant’s invention, the reference must either be in the field of Applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1445 (Fed. Cir. 1992).”

Applicants respectfully submit that neither Luo nor Bates is analogous art with respect to the claimed invention.

Luo is concerned with identifying and extracting character strings from captured image data. Particularly, Luo addresses the problem of extracting text that appears as part of the natural environment of the image. For example, Luo's invention may be used for extracting the text on an airport sign, as shown in Fig. 1B. As such, Luo is neither related to visual design surfaces, nor concerned with displaying shapes on a visual design surface as claimed. In fact, the purpose of Luo's invention is to extract image elements, rather than display them. Thus, Luo is neither in the same field of endeavor as the claimed invention, nor reasonably related to the problem addressed by the claimed invention.

As to Bates, this patent is in the field of text editor programs. This is a separate field of endeavor from that of the claimed invention, i.e., visual design surfaces. Bates is only concerned with displaying and editing text, rather than displaying shapes on a visual design surface as claimed. Accordingly, Bates is neither in Applicants' field of endeavor, nor reasonably related to the particular problem addressed by the claimed invention.

Furthermore, Applicants point out that Luo is classified in class 382 (image analysis) of the US classification system, while Bates is classified in class 715 (data processing for documents). However, as noted by the Examiner in the restriction requirement, the claimed invention is classified in class 345 (computer graphics processing and selective visual display systems). This is further evidence that neither Luo nor Bates constitutes analogous art.

Since Luo and Bates are not analogous art with respect to the claimed invention, Applicants respectfully submit that they cannot properly be relied upon to rejection the present claims under § 103.

**No Motivation to Combine Luo and Bates:**

Furthermore, Applicants submit that the inventions of Luo and Bates are directed to completely different fields of endeavor and for solving completely different problems. As such, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine the teachings of Luo and Bates, as proposed by the Examiner.

Particularly, as discussed above, Luo's invention is for processing captured *image* data, specifically, identifying and extract text that occurs in the natural image. Luo does not teach or suggest anything with respect to editing text data. Conversely, Bates is directed to the field of text editor programs and, thus, is concerned with processing *text* data, rather than *image* data. Bates deals with the particular problem of avoiding the repetitive use of key words and phrases. Bates teaches nothing with respect to image processing. Since Luo and Bates are neither in the same field of endeavor, nor concerned with the same types of problems, Applicants submit that one of ordinary skill in the art would not have been motivated to combine Luo and Bates.

Further, Applicants respectfully submit that the Examiner's asserted motivation does not apply to Luo's invention. The Examiner asserts that one of ordinary skill in the art would have been motivated to modify Luo to display highlighted text to provide the use with "the additional functionality [of] editing text and, thus, improving composition and form of text" (Office Action at pages 5-6). However, as described above, Luo is only concerned with *image processing* applications, rather than text editing applications. Furthermore, Luo's invention is not intended to *display* anything -- it is intended only to *extract* segments of a captured image. Thus, there simply would be no motivation to modify Luo to display highlighted regions in the image, as asserted by the Examiner.

Since there is no motivation for the Examiner's proposed combination of Luo and Bates, Applicants respectfully submit that this § 103 rejection is improper.

**Luo/Bates Combination Fails to Teach or Suggest each Claimed Feature:**

While Applicants respectfully submit that the § 103 rejection is improper at least for the reasons set forth above, Applicants have amended independent claims 1 and 19 in an effort to even more clearly distinguish the claimed invention and expedite prosecution.

Particularly, as amended, independent claim 1 now recites that the displayed aura is indicative of a determined value of a characteristic of the element. Similarly, independent claim 19 recites displaying auras with visual characteristics indicating values of a particular characteristic for the design element shapes. Applicants respectfully submit that Luo and Bates, taken alone or in combination, fail to teach or suggest these features.

As acknowledged by the Examiner, Luo does not display auras. Further, the invention of Bates merely highlights repeated terms. Such highlighting is not indicative of a determined value. Thus, neither Luo nor Bates teaches displaying an aura that is indicative of a determined value of a characteristic of an element or design element shape, as claimed.

Thus, Applicants respectfully submit that the proposed combination of Luo and Bates fails to provide a teaching or suggestion of all of the features in the claimed invention.

**Rejection should be Withdrawn:**

At least for the reasons set forth above, Applicants respectfully submit that independent claims 1 and 19 are allowable. Accordingly, claims 2-4, 8-13, and 20 are allowable at least by virtue of their dependency on claims 1 and 20. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Luo/Bates/Tappert Rejection**

Claims 5-7 stand rejected under § 103(a) as being unpatentable over Luo and Bates, and further in view of U.S. Patent No. 4,731,857 to Tappert (hereafter "Tappert"). Applicants

respectfully submit that the teachings of Tappert fail to remedy the deficiencies of the Examiner's proposed combination of Luo and Bates, as set forth above in connection with independent claim 1. Particularly, Tappert is being relied upon by the Examiner merely to teach sorting characters for word recognition (see Office Action at page 10). Since this fails to remedy the various deficiencies of the Luo/Bates combination, Applicants respectfully submit that claims 5-7 are allowable at least by virtue of their dependency on claim 1. In view of this, reconsideration and withdrawal of this rejection is respectfully requested.

**Traversal of Examiner's Taking of Official Notice:**

As to claim 7, the Examiner takes official notice that "it is well known to utilize labels such an [*sic*] image to indicate the status of an object or its contents." Applicants respectfully traverse this taking of official notice, and respectfully request the Examiner to provide evidence of such a feature in the prior art.

***Conclusion***

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. Accordingly, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

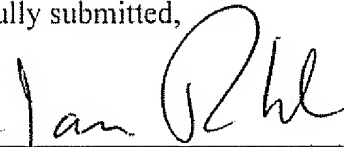
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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